



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/604,898	06/28/2000	Jay S. Walker	99-112	6292
22927	7590	11/30/2004	EXAMINER	
WALKER DIGITAL FIVE HIGH RIDGE PARK STAMFORD, CT 06905			YOUNG, JOHN L	
			ART UNIT	PAPER NUMBER
			3622	

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/604,898

Applicant(s)

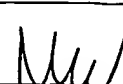
WALKER ET AL.

Examiner

John L Young

Art Unit

3622



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 139-300 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 139-300 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

JOHN LEONARD YOUNG, ESQ.
PRIMARY EXAMINER

11/26/2004

Art Unit: 3622

NON FINAL REJECTION ON RCE

(Paper# 11/19/2004)

REQUEST FOR CONTINUED EXAMINATION (RCE)

1. The request filed on 09/15/2004 for continued examination (RCE) under 37 CFR 1.114 based on parent Application No. 09/604,898 is acceptable and an (RCE) has been established. An action on the (RCE) follows:

STATUS

2. Claims 1-138 canceled by Applicant;
3. Claims 163-300 are new; and
4. Claims 139-300 are pending.

DRAWINGS

5. This application has been filed with drawings that are considered informal; said drawings are acceptable for examination purposes. The review process for drawings that are included with applications on filing has been modified in view of the new requirement to publish applications at

Art Unit: 3622

eighteen months after the filing date of applications, or any priority date claimed under 35 U.S.C. §§119, 120, 121, or 365.

CLAIM REJECTIONS — 35 U.S.C. §101

35 U.S.C. §101 reads as follows:

Whoever invents or discovers any new and useful
process, machine, manufacture, or composition of matter or
any new and useful improvement thereof, may obtain a
patent therefore, subject to the conditions and requirements
of this title.

6. Claims 291-298 & 300 are rejected under 35 U.S.C. 101, because said claims are directed to non-statutory subject matter.

As per claims 291-298 & 300, as drafted said claims are not limited by language within the technological arts (see *In re Waldbaum*, 173 USPQ 430 (CCPA 1972); *In re Musgrave*, 167 USPQ 280 (CCPA 1970) and *In re Johnston*, 183 USPQ 172 (CCPA 1974) also see MPEP 2106 IV 2(b), even though said claims are limited to language to a useful, concrete and tangible application (See *State Street v. Signature financial Group*, 149 F.3d at 1374-75 , 47 USPQ 2d at 1602 (Fed Cir. 1998) ; *AT&T Corp. v. Excel*, 50 USPQ 2d 1447, 1452 (Fed. Cir. 1999).

Art Unit: 3622

Note: it is well settled in the law that "[although] a claim should be interpreted in light of the specification disclosure, it is generally considered improper to read limitations contained in the specification into the claims. See *In re Prater*, 415, F.2d 1393, 162 USPQ 541 (CCPA 1969) and *In re Winkhaus*, 527 F.2d 637, 188 USPQ 129 (CCPA 1975), which discuss the premise that one cannot rely on the specification to impart limitations to the claims that are not recited in the claims." (See MPEP 2173.05(q)).

CLAIM REJECTIONS — 35 U.S.C. §103(a)

The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 139-300 are rejected under 35 U.S.C. §103(a) as being obvious over Kepecs US 6,330,543 (12/11/2001) [US f/d: 11/13/1998] (herein referred to as "Kepecs").

Art Unit: 3622

As per independent claim 139, Kepecs (the ABSTRACT; col. 1, ll. 10-15; col. 2, ll. 53-65) shows: “A system for conducting a promotion, comprising: a memory; a communication port; and a processor connected to said memory and said communication port. . . .”

Kepecs at least at (col. 5, ll. 37-41) discloses: “*requirements to purchase other items to qualify for the discount . . . and time of expiration of the discounts.*”

Kepecs (col. 2, ll. 65-67; col. 3, ll. 1-33; and col. 5, ll. 37-41) shows: “generate an outcome . . . provide an indication of said outcome; provide an indication of said unlock code; and provide an indication of a benefit associated with said outcome.”

Kepecs lacks explicit recital of “generate an unlock code associated with said outcome. . . .”; however,

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Kepecs (col. 2, ll. 65-67; col. 3, ll. 1-33) implicitly shows “generate an unlock code associated with said outcome. . . .”, and it would have been obvious to modify and interpret the disclosure of Kepecs (col. 2, ll. 65-67; col. 3, ll. 1-33) cited above as implicitly showing “generate an unlock code associated with said outcome. . . .”, because modification and interpretation of the cited disclosure of Kepecs would have provided means to “*direct appropriate discounts or other promotions . . . toward the individual consumer, yet the anonymity of the consumer is preserved. . . .*” (see Kepecs (col. 2, ll. 12-18)) based on the motivation to modify Kepecs so as to provide a system that “*is highly resistant to fraud. . . .*” (see Kepecs (col. 2, ll. 18-22)).

Art Unit: 3622

Claim 140 is rejected for the same reasons as claim 139.

Claim 141 is rejected for substantially the same reasons as claim 139.

Claim 142 is rejected for the same reasons as claim 139.

As per independent claim 143, Kepecs (col. 1, ll. 10-15; col. 2, ll. 53-65) shows:

“A system for conducting a promotion, comprising: a memory; a communication port; and a processor connected to said memory and said communication port. . . .”

Kepecs (col. 2, ll. 65-67; col. 3, ll. 1-33) shows: “provide data representative of an outcome . . . said outcome associated with at least one unlock code; provide data representative of said at least one unlock code . . . provide data representative of a benefit associated with said outcome. . . .”

Kepecs (col. 1, ll. 12-15) discloses:

“resolution upon the redemption of the promotions by consumers. . . .”

The Examiner interprets this disclosure as implicitly showing “receive data representative of a redemption request associated with said outcome; and . . . receiving said data representative of said redemption request.”

Art Unit: 3622

Kepecs lacks explicit recital of “receive data representative of a redemption request associated with said outcome; and . . . receiving said data representative of said redemption request. . . .”; however,

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Kepecs (col. 1, ll. 12-15) implicitly shows “receive data representative of a redemption request associated with said outcome; and . . . receiving said data representative of said redemption request. . . .”, and it would have been obvious to modify and interpret the disclosure of Kepecs (col. 1, ll. 12-15) cited above as implicitly showing “receive data representative of a redemption request associated with said outcome; and . . . receiving said data representative of said redemption request. . . .”, because modification and interpretation of the cited disclosure of Kepecs would have provided means to “*direct appropriate discounts or other promotions . . . toward the individual consumer, yet the anonymity of the consumer is preserved. . . .*” (see Kepecs (col. 2, ll. 12-18)) based on the motivation to modify Kepecs so as to provide a system that “*is highly resistant to fraud. . . .*” (see Kepecs (col. 2, ll. 18-22)).

Claim 144 is rejected for substantially the same reasons as claim 143.

Claim 145 is rejected for substantially the same reasons as claim 143.

Claim 146 is rejected for substantially the same reasons as claim 143.

Art Unit: 3622

As per independent claim 147, Kepecs (col. 1, ll. 10-15; col. 2, ll. 53-65) shows:

“A system for conducting a promotion, comprising: a memory; a communication port; and a processor connected to said memory and said communication port. . . .”

Kepecs at least at (col. 5, ll. 37-41) discloses: *“requirements to purchase other items to qualify for the discount . . . and time of expiration of the discounts.”*

Kepecs (col. 2, ll. 65-67; col. 3, ll. 1-33) shows: “receive an indication of an unlock code associated with at least one outcome. . . .”

Kepecs at least at (col. 2, ll. 65-67; and col. 3, ll. 1-42) discloses: *“a unique identifying key (ID) is associated with each consumer account. The account may be established by a registration process. . . . Upon purchase of items. . . .”*

The Examiner interprets at least these disclosures of *“requirements to purchase other items to qualify for the discount . . . and time of expiration of the discounts. . . .”*; *“registration process”* and *“upon purchase of items at the associated store. . . .”* as implicitly showing “a qualifying action. . . .”

Kepecs lacks explicit recital of “a qualifying action. . . .”; however,

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Kepecs at least at (col. 5, ll. 37-41; col. 2, ll. 65-67; and col. 3, ll. 1-42) implicitly shows “a qualifying action. . . .”, and it would have been obvious to modify and interpret the disclosure of Kepecs at least at (col. 2, ll. 65-67; and col. 3, ll. 1-42) cited above as implicitly showing “a qualifying action. . . .”, because modification

Art Unit: 3622

and interpretation of the cited disclosure of Kepecs would have provided means to “*direct appropriate discounts or other promotions . . . toward the individual consumer, yet the anonymity of the consumer is preserved. . . .*” (see Kepecs (col. 2, ll. 12-18)) based on the motivation to modify Kepecs so as to provide a system that “*is highly resistant to fraud. . . .*” (see Kepecs (col. 2, ll. 18-22)).

Claim 148 is rejected for substantially the same reasons as claim 147.

Claim 149 is rejected for substantially the same reasons as claim 147.

Claim 150 is rejected for substantially the same reasons as claim 147.

Claim 151 is rejected for the same reasons as claim 147.

Claim 152 is rejected for the same reasons as claim 147.

Claim 153 is rejected for substantially the same reasons as claim 147.

Claim 154 is rejected for substantially the same reasons as claim 147.

Claim 155 is rejected for substantially the same reasons as claim 147.

Art Unit: 3622

Claim 156 is rejected for substantially the same reasons as claim 147.

Claim 157 is rejected for substantially the same reasons as claim 147.

Claim 158 is rejected for substantially the same reasons as claim 147.

Claim 159 is rejected for substantially the same reasons as claim 147.

Claim 160 is rejected for substantially the same reasons as claim 147.

Claim 161 is rejected for substantially the same reasons as claim 147.

Claim 162 is rejected for substantially the same reasons as claim 147.

Claim 163 is rejected for the same reasons as claim 141.

As per dependent claim 164, Kepecs shows the system of claim 163.

Kepecs (col. 1, ll. 12-15) discloses: “*resolution upon the redemption of the promotions by consumers. . . .*”

Art Unit: 3622

The Examiner interprets this disclosure as implicitly showing “receiving a redemption request associated with said outcome.”

Kepecs lacks explicit recital of “receiving a redemption request associated with said outcome. . . .”; however,

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Kepecs (col. 1, ll. 12-15) implicitly shows “receiving a redemption request associated with said outcome. . . .”, and it would have been obvious to modify and interpret the disclosure of Kepecs (col. 1, ll. 12-15) cited above as implicitly showing “receiving a redemption request associated with said outcome. . . .”, because modification and interpretation of the cited disclosure of Kepecs would have provided means to “*direct appropriate discounts or other promotions . . . toward the individual consumer, yet the anonymity of the consumer is preserved. . . .*” (see Kepecs (col. 2, ll. 12-18)) based on the motivation to modify Kepecs so as to provide a system that “*is highly resistant to fraud. . . .*” (see Kepecs (col. 2, ll. 18-22)).

As per dependent claim 165, Kepecs shows the system of claim 164.

Kepecs (col. 1, ll. 12-15) discloses: “*resolution upon the redemption of the promotions by consumers. . . .*”

The Examiner interprets this disclosure as implicitly showing “wherein the redemption request is received from . . . a user.”

Art Unit: 3622

Kepecs (col. 3, ll. 14-32) discloses: “*holder of the unique ID . . . or . . . binding of the caller’s pone number to his unique ID.*”

The Examiner interprets this disclosure as implicitly showing “wherein the redemption request is received from . . . an intermediary.”

Kepecs lacks explicit recital of “wherein the redemption request is received from . . . an intermediary. . . .”; however,

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Kepecs (col. 3, ll. 14-32) implicitly shows “wherein the redemption request is received from . . . an intermediary. . . .”, and it would have been obvious to modify and interpret the disclosure of Kepecs (col. 3, ll. 14-32) cited above as implicitly showing “wherein the redemption request is received from . . . an intermediary. . . .”, because modification and interpretation of the cited disclosure of Kepecs would have provided means to “*direct appropriate discounts or other promotions . . . toward the individual consumer, yet the anonymity of the consumer is preserved. . . .*” (see Kepecs (col. 2, ll. 12-18)) based on the motivation to modify Kepecs so as to provide a system that “*is highly resistant to fraud. . . .*” (see Kepecs (col. 2, ll. 18-22)).

As per dependent claim 166, Kepecs shows the system of claim 163.

Kepecs at least at (col. 2, ll. 65-67; and col. 3, ll. 1-42) discloses: “*a unique identifying key (ID) is associated with each consumer account. The account may be established by a registration process. . . . Upon purchase of items. . . .*”

Art Unit: 3622

The Examiner interprets at least these disclosures of a “*registration process*” and “*upon purchase of items at the associated store. . . .*” as implicitly showing “a qualifying action with said unlock code. . . .”

Kepecs lacks explicit recital of “a qualifying action with said unlock code . . .”; however,

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Kepecs at least at (col. 2, ll. 65-67; and col. 3, ll. 1-42) implicitly shows “a qualifying action with said unlock code . . .”, and it would have been obvious to modify and interpret the disclosure of Kepecs at least at (col. 2, ll. 65-67; and col. 3, ll. 1-42) cited above as implicitly showing “a qualifying action with said unlock code . . .”, because modification and interpretation of the cited disclosure of Kepecs would have provided means to “*direct appropriate discounts or other promotions . . . toward the individual consumer, yet the anonymity of the consumer is preserved. . . .*” (see Kepecs (col. 2, ll. 12-18)) based on the motivation to modify Kepecs so as to provide a system that “*is highly resistant to fraud. . . .*” (see Kepecs (col. 2, ll. 18-22)).

As per claim 167, Kepecs shows the system of claim 166.

Kepecs at least at (col. 5, ll. 37-41) discloses: “*requirements to purchase other items to qualify for the discount . . . and time of expiration of the discounts.*”

Kepecs lacks explicit recital of the step of “associating an expiration date with said qualifying action. . . .”; however,

Art Unit: 3622

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Kepecs at least at (col. 5, ll. 37-41; col. 2, ll. 65-67; and col. 3, ll. 1-42) shows “associating an expiration date with said qualifying action. . . .”, and it would have been obvious to modify and interpret the disclosure of Kepecs at least at (col. 2, ll. 65-67; and col. 3, ll. 1-42) cited above as showing “associating an expiration date with said qualifying action. . . .”, because modification and interpretation of the cited disclosure of Kepecs would have provided means to “*direct appropriate discounts or other promotions . . . toward the individual consumer, yet the anonymity of the consumer is preserved. . . .*” (see Kepecs (col. 2, ll. 12-18)) based on the motivation to modify Kepecs so as to provide a system that “*is highly resistant to fraud. . . .*” (see Kepecs (col. 2, ll. 18-22)).

Claim 168 is rejected for substantially the same reasons as claim 167.

Claim 169 is rejected for substantially the same reasons as claim 167.

Claim 170 is rejected for substantially the same reasons as claim 167.

Claim 171 is rejected for substantially the same reasons as claim 167.

Claim 172 is rejected for substantially the same reasons as claim 167.

Art Unit: 3622

Claim 173 is rejected for substantially the same reasons as claim 167.

Claim 174 is rejected for substantially the same reasons as claim 167.

Claim 175 is rejected for substantially the same reasons as claim 167.

Claim 176 is rejected for substantially the same reasons as claim 167.

Claim 177 is rejected for substantially the same reasons as claim 168.

Claim 178 is rejected for substantially the same reasons as claim 169.

Claim 179 is rejected for substantially the same reasons as claim 170.

Claim 180 is rejected for substantially the same reasons as claim 171.

Claim 181 is rejected for substantially the same reasons as at least claims 170 &
claim 171.

Art Unit: 3622

Claim 182 is rejected for substantially the same reasons as at least claims 178, claim 179 & claim 174.

Claim 183 is rejected for substantially the same reasons as at least claims 165, claim 166, & claim 174.

Claim 184 is rejected for substantially the same reasons as at least claim 183.

Claim 185 is rejected for substantially the same reasons as at least claim 184.

Claim 186 is rejected for substantially the same reasons as at least claim 185.

Claim 187 is rejected for substantially the same reasons as at least claim 186.

Claim 188 is rejected for substantially the same reasons as at least claim 186.

Claim 189 is rejected for substantially the same reasons as at least claim 184.

Claim 190 is rejected for substantially the same reasons as at least claim 189.

As per claim 191, Kepecs shows the system of claim 163.

Art Unit: 3622

Kepecs at least at (col. 14, ll. 13-50; col. 13, ll. 30-40; col. 13, ll. 9-30; 12, ll. 37-55; col. 6, ll. 10-20; col. 2, ll. 35-45; and col. 5, ll. 37-41) shows: “receiving an indication of a behavior of a recipient of said indication of said outcome; characterizing a behavior or a recipient of said indication of said outcome; and comparing a behavior of a recipient of said indication of said outcome to a qualifying action indicated to said recipient.”

Kepecs lacks explicit recital of the step of “a qualifying action indicated to said recipient. . . .”; however,

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Kepecs at least at (col. 5, ll. 37-41) shows “a qualifying action indicated to said recipient. . . .”, and it would have been obvious to modify and interpret the disclosure of Kepecs at least at (col. 5, ll. 37-41) cited above as showing “a qualifying action indicated to said recipient. . . .”, because modification and interpretation of the cited disclosure of Kepecs would have provided means to “*direct appropriate discounts or other promotions . . . toward the individual consumer, yet the anonymity of the consumer is preserved. . . .*” (see Kepecs (col. 2, ll. 12-18)) based on the motivation to modify Kepecs so as to provide a system that “*is highly resistant to fraud. . . .*” (see Kepecs (col. 2, ll. 18-22)).

As per claim 192, Kepecs shows the system of claim 163.

Art Unit: 3622

Kepecs at least at (col. 6, ll. 62-67; col. 7, ll. 1-10; col. 13, ll. 65-67; and col. 14, ll.

1-15) discloses: *“statistical analysis of how consumers have behaved in the past and might be expected to behave in the future. . . .”*

Kepecs lacks explicit recital of the step of “determining an expected value of said outcome; and determining a frequency distribution associated with said outcome. . . .”; however,

Official Notice is taken that both the concepts and the advantages of the statistical analysis elements and limitations such as “determining an expected value of said outcome; and determining a frequency distribution associated with said outcome. . . .” were notoriously well known and expected in the art at the time of the invention, because it would have been obvious at the time the invention was made to a person having ordinary skill in the art that the disclosure of Kepecs at least at (col. 6, ll. 62-67; col. 7, ll. 1-10; col. 13, ll. 65-67; and col. 14, ll. 1-15) implicitly shows of “determining an expected value of said outcome; and determining a frequency distribution associated with said outcome. . . .”; and it would have been obvious to modify and interpret the disclosure of Kepecs at least at (col. 6, ll. 62-67; col. 7, ll. 1-10; col. 13, ll. 65-67; and col. 14, ll. 1-15) cited above as showing of “determining an expected value of said outcome; and determining a frequency distribution associated with said outcome. . . .”, would have provided means to *“direct appropriate discounts or other promotions . . . toward the individual consumer, yet the anonymity of the consumer is preserved. . . .”* (see Kepecs (col. 2, ll. 12-18)) based on

Art Unit: 3622

the motivation to modify Kepecs so as to provide a system that “*is highly resistant to fraud. . . .*” (see Kepecs (col. 2, ll. 18-22)).

Claim 193 is rejected for substantially the same reasons as claim 192.

Claim 194 is rejected for substantially the same reasons as claim 185.

Claim 195 is rejected for substantially the same reasons as claim 180.

Claim 196 is rejected for substantially the same reasons as claim 192.

As per claim 197, Kepecs shows the system of claim 163.

Kepecs at least at (col. 4, ll. 25-40) implicitly shows Internet payment concerning an “outcome.”

Kepecs lacks explicit recital of the step of “receiving payment for said indication of said unlock code; and receiving payment for said indication of said outcome. . . .”; however,

Official Notice is taken that both the concepts and the advantages of the statistical analysis elements and limitations such as “receiving payment for said indication of said unlock code; and receiving payment for said indication of said outcome. . . .” were notoriously well known and expected in the art at the time of the invention, because it

Art Unit: 3622

would have been obvious at the time the invention was made to a person having ordinary skill in the art that the disclosure of Kepecs at least at (col. 4, ll. 25-40; and whole document) implicitly shows of “receiving payment for said indication of said unlock code; and receiving payment for said indication of said outcome. . . .”; and it would have been obvious to modify and interpret the disclosure of Kepecs at least at (col. 4, ll. 25-40; and whole document) cited above as showing of “receiving payment for said indication of said unlock code; and receiving payment for said indication of said outcome. . . .”, would have provided means to “*direct appropriate discounts or other promotions . . . toward the individual consumer, yet the anonymity of the consumer is preserved. . . .*” (see Kepecs (col. 2, ll. 12-18)) based on the motivation to modify Kepecs so as to provide a system that “*is highly resistant to fraud. . . .*” (see Kepecs (col. 2, ll. 18-22)).

Claim 198 is rejected for at least substantially the same reasons as claim 186.

Claim 199 is rejected for at least substantially the same reasons as claim 196.

Claim 200 is rejected for at least substantially the same reasons as claim 194.

Claim 201 is rejected for substantially the same reasons as claim 186.

Claim 202 is rejected for substantially the same reasons as claim 175.

Art Unit: 3622

Claim 203 is rejected for substantially the same reasons as claim 201.

Claim 204 is rejected for substantially the same reasons as claim 201.

Claim 205 is rejected for substantially the same reasons as claim 203.

Claim 206 is rejected for substantially the same reasons as claim 204.

Claim 207 is rejected for substantially the same reasons as claim 205.

Claim 208 is rejected for substantially the same reasons as claim 206.

Claim 209 is rejected for substantially the same reasons as claim 186.

Claim 210 is rejected for substantially the same reasons as claim 186.

Claim 211 is rejected for substantially the same reasons as claim 186.

Claim 212 is rejected for substantially the same reasons as claim 186.

Art Unit: 3622

Claim 213 is rejected for substantially the same reasons as claim 186.

Claim 214 is rejected for substantially the same reasons as claim 186.

Claim 215 is rejected for substantially the same reasons as claim 186.

Claim 216 is rejected for substantially the same reasons as claim 186.

Claim 217 is rejected for substantially the same reasons as claim 175.

Claim 218 is rejected for substantially the same reasons as claim 175.

Claim 219 is rejected for substantially the same reasons as claim 175.

Claim 220 is rejected for substantially the same reasons as claim 187.

Claim 221 is rejected for substantially the same reasons as claim 187.

Claim 222 is rejected for substantially the same reasons as claim 164.

Claim 223 is rejected for substantially the same reasons as claim 174.

Art Unit: 3622

Claim 224 is rejected for substantially the same reasons as claim 166.

Claim 225 is rejected for substantially the same reasons as claim 215.

As per claim 226, Kepecs shows the system of claim 163.

Kepecs at least at (col. 9, ll. 15-40; and col. 12, ll. 5-15) implicitly shows:

“associating biometric information with said outcome . . . [and] associating biometric information with said benefit.”

Kepecs lacks explicit recital of the step of “associating biometric information with said unlock code. . . .”; however,

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Kepecs at least at (col. 9, ll. 15-40; and col. 12, ll. 5-15) implicitly shows “associating biometric information with said unlock code. . . .”, and it would have been obvious to modify and interpret the disclosure of Kepecs at least at (col. 9, ll. 15-40; and col. 12, ll. 5-15) cited above as showing “associating biometric information with said unlock code. . . .”, because modification and interpretation of the cited disclosure of Kepecs would have provided means to “*direct appropriate discounts or other promotions . . . toward the individual consumer, yet the anonymity of the consumer is preserved. . . .*” (see Kepecs (col. 2, ll. 12-18)) based on the motivation to

Art Unit: 3622

modify Kepecs so as to provide a system that “*is highly resistant to fraud. . . .*” (see Kepecs (col. 2, ll. 18-22)).

Claim 227 is rejected for substantially the same reasons as claim 216.

Claim 228 is rejected for substantially the same reasons as claim 210.

Claim 229 is rejected for substantially the same reasons as claim 226.

As per dependent claim 230, Kepecs shows the system of claim 163.

Kepecs (col. 3, ll. 14-32) discloses: “*holder of the unique ID . . . or . . . binding of the caller’s pone number to his unique ID.*”

The Examiner interprets this disclosure as implicitly showing “determining a user device identifier. . . .”

Kepecs lacks explicit recital of “determining a user device identifier. . . .”; however,

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Kepecs (col. 3, ll. 14-32) implicitly shows ““determining a user device identifier. . . .”, and it would have been obvious to modify and interpret the disclosure of Kepecs (col. 3, ll. 14-32) cited above as implicitly showing “determining a user device identifier. . . .”, because modification and interpretation of the cited disclosure

Art Unit: 3622

of Kepecs would have provided means to “*direct appropriate discounts or other promotions . . . toward the individual consumer, yet the anonymity of the consumer is preserved. . . .*” (see Kepecs (col. 2, ll. 12-18)) based on the motivation to modify Kepecs so as to provide a system that “*is highly resistant to fraud. . . .*” (see Kepecs (col. 2, ll. 18-22)).

Claim 231 is rejected for substantially the same reasons as claim 230.

Claim 232 is rejected for substantially the same reasons as claim 230.

Claim 233 is rejected for substantially the same reasons as claim 230.

Claim 234 is rejected for substantially the same reasons as claim 230.

Claim 235 is rejected for substantially the same reasons as claim 200.

Claim 236 is rejected for substantially the same reasons as claim 200.

Claim 237 is rejected for substantially the same reasons as claim 199.

Claim 238 is rejected for substantially the same reasons as claim 200.

Art Unit: 3622

Claim 239 is rejected for substantially the same reasons as claim 220.

Claim 240 is rejected for substantially the same reasons as claim 220.

Claim 241 is rejected for substantially the same reasons as claim 220.

Claim 242 is rejected for substantially the same reasons as claim 235.

Claim 243 is rejected for substantially the same reasons as claim 230.

Claim 244 is rejected for substantially the same reasons as claim 243.

As per dependent claim 245, Kepecs shows the system of claim 163.

Kepecs (col. 9, ll. 40-63; and col. 13, ll. 63) implicitly shows: “invalidating said outcome. . . .”

Kepecs lacks explicit recital of “invalidating said outcome. . . .”; however,

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Kepecs (col. 9, ll. 40-63; and col. 13, ll. 63) implicitly shows “invalidating said outcome. . . .”, and it would have been obvious to modify and

Art Unit: 3622

interpret the disclosure of Kepecs (col. 9, ll. 40-63; and col. 13, ll. 63) cited above as implicitly showing “invalidating said outcome. . . .”, because modification and interpretation of the cited disclosure of Kepecs would have provided means to “*direct appropriate discounts or other promotions . . . toward the individual consumer, yet the anonymity of the consumer is preserved. . . .*” (see Kepecs (col. 2, ll. 12-18)) based on the motivation to modify Kepecs so as to provide a system that “*is highly resistant to fraud. . . .*” (see Kepecs (col. 2, ll. 18-22)).

As per dependent claim 246, Kepecs shows the system of claim 163.

Kepecs (col. 9, ll. 40-63; and col. 13, ll. 63) implicitly shows: “invalidating said unlock code. . . .”

Kepecs lacks explicit recital of “invalidating said unlock code. . . .”; however,

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Kepecs (col. 9, ll. 40-63; and col. 13, ll. 63) implicitly shows “invalidating said unlock code. . . .”, and it would have been obvious to modify and interpret the disclosure of Kepecs (col. 9, ll. 40-63; and col. 13, ll. 63) cited above as implicitly showing “invalidating said unlock code. . . .”, because modification and interpretation of the cited disclosure of Kepecs would have provided means to “*direct appropriate discounts or other promotions . . . toward the individual consumer, yet the anonymity of the consumer is preserved. . . .*” (see Kepecs (col. 2, ll. 12-18)) based on

Art Unit: 3622

the motivation to modify Kepecs so as to provide a system that *“is highly resistant to fraud. . . .”* (see Kepecs (col. 2, ll. 18-22)).

As per dependent claim 247, Kepecs shows the system of claim 163.

Kepecs (col. 9, ll. 40-63; and col. 13, ll. 63) implicitly shows: “invalidating said benefit. . . .”

Kepecs lacks explicit recital of “invalidating said benefit. . . .”; however,

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Kepecs (col. 9, ll. 40-63; and col. 13, ll. 63) implicitly shows “invalidating said benefit. . . .”, and it would have been obvious to modify and interpret the disclosure of Kepecs (col. 9, ll. 40-63; and col. 13, ll. 63) cited above as implicitly showing “invalidating said benefit. . . .”, because modification and interpretation of the cited disclosure of Kepecs would have provided means to *“direct appropriate discounts or other promotions . . . toward the individual consumer, yet the anonymity of the consumer is preserved. . . .”* (see Kepecs (col. 2, ll. 12-18)) based on the motivation to modify Kepecs so as to provide a system that *“is highly resistant to fraud. . . .”* (see Kepecs (col. 2, ll. 18-22)).

Claim 248 is rejected for at least substantially the same reasons as claim 165.

Claim 249 is rejected for at least substantially the same reasons as claim 164.

Art Unit: 3622

Claim 250 is rejected for at least substantially the same reasons as claim 164.

As per dependent claim 251, Kepecs shows the system of claim 250.

Kepecs at least at (col. 2, ll. 65-67; and col. 3, ll. 1-42) discloses: *“a unique identifying key (ID) is associated with each consumer account. The account may be established by a registration process. . . . Upon purchase of items. . . .”*

The Examiner interprets at least these disclosures of a *“registration process”* and *“upon purchase of items at the associated store. . . .”* as implicitly showing “wherein said unlock code has an associated qualifying action.”

Kepecs lacks explicit recital of “wherein said unlock code has an associated qualifying action. . . .”; however,

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Kepecs at least at (col. 2, ll. 65-67; and col. 3, ll. 1-42) implicitly shows “wherein said unlock code has an associated qualifying action. . . .”, and it would have been obvious to modify and interpret the disclosure of Kepecs at least at (col. 2, ll. 65-67; and col. 3, ll. 1-42) cited above as implicitly showing “wherein said unlock code has an associated qualifying action. . . .”, because modification and interpretation of the cited disclosure of Kepecs would have provided means to *“direct appropriate discounts or other promotions . . . toward the individual consumer, yet the anonymity of the consumer is preserved. . . .”* (see Kepecs (col. 2, ll. 12-18)) based on the motivation

Art Unit: 3622

to modify Kepecs so as to provide a system that “*is highly resistant to fraud. . . .*” (see Kepecs (col. 2, ll. 18-22)).

As per claim 252, Kepecs shows the system of claim 250.

Kepecs at least at (col. 5, ll. 37-41) discloses: “*requirements to purchase other items to qualify for the discount . . . and time of expiration of the discounts.*”

The Examiner interprets this disclosure as implicitly showing “wherein said outcome has an associated qualifying action.”

Kepecs lacks explicit recital of the step of “wherein said outcome has an associated qualifying action. . . .”; however,

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Kepecs at least at (col. 5, ll. 37-41; col. 2, ll. 65-67; and col. 3, ll. 1-42) shows “wherein said outcome has an associated qualifying action. . . .”, and it would have been obvious to modify and interpret the disclosure of Kepecs at least at (col. 2, ll. 65-67; and col. 3, ll. 1-42)-cited above as showing “wherein said outcome has an associated qualifying action. . . .”, because modification and interpretation of the cited disclosure of Kepecs would have provided means to “*direct appropriate discounts or other promotions . . . toward the individual consumer, yet the anonymity of the consumer is preserved. . . .*” (see Kepecs (col. 2, ll. 12-18)) based on the motivation to modify Kepecs so as to provide a system that “*is highly resistant to fraud. . . .*” (see Kepecs (col. 2, ll. 18-22)).

Art Unit: 3622

As per independent claim 253, Kepecs (the ABSTRACT; col. 1, ll. 10-15; col. 2, ll. 53-65) shows: “A system comprising: a processor; and a memory in communication with the processor, the memory instructions configured to direct the processor to perform steps of:

Kepecs (col. 2, ll. 65-67; col. 3, ll. 1-33) shows: “providing an indication of a promotion outcome to a user and an indication of an unlock code associated with said promotion outcome. . . .”

Kepecs (col. 1, ll. 12-15) discloses: “*resolution upon the redemption of the promotions by consumers. . . .*”

The Examiner interprets this disclosure as implicitly showing “receiving a redemption request associated with said promotion outcome. . . .”

Kepecs at least at (col. 5, ll. 37-41) discloses: “*requirements to purchase other items to qualify for the discount . . . and time of expiration of the discounts.*”

The Examiner interprets this disclosure as showing: “providing an indication of a benefit associated with said promotion outcome.”

Kepecs (col. 3, ll. 14-32) discloses: “*holder of the unique ID . . . or . . . binding of the caller's phone number to his unique ID.*”

The Examiner interprets this disclosure as implicitly showing “an intermediary.”

Kepecs lacks explicit recital “an intermediary. . . .”; however,

Art Unit: 3622

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Kepecs (col. 3, ll. 14-32) implicitly “an intermediary. . . .”, and it would have been obvious to modify and interpret the disclosure of Kepecs (col. 3, ll. 14-32) cited above as implicitly showing “an intermediary. . . .”, because modification and interpretation of the cited disclosure of Kepecs would have provided means to “*direct appropriate discounts or other promotions . . . toward the individual consumer, yet the anonymity of the consumer is preserved. . . .*” (see Kepecs (col. 2, ll. 12-18)) based on the motivation to modify Kepecs so as to provide a system that “*is highly resistant to fraud. . . .*” (see Kepecs (col. 2, ll. 18-22)).

Claim 254 is rejected for at least substantially the same reasons as claim 253.

Claim 255 is rejected for at least substantially the same reasons as claim 253.

Claim 256 is rejected for at least substantially the same reasons as claim 253.

Claim 257 is rejected for at least substantially the same reasons as claim 254.

Claim 258 is rejected for at least substantially the same reasons as claim 255.

Claim 259 is rejected for the same reasons as claim 147.

Art Unit: 3622

Claim 260 is rejected for at least substantially the same reasons as claim 148.

Claim 261 is rejected for at least substantially the same reasons as the rejections for claim 139, claim 166, claim 259, & claim 185 based on the “degree of repetition and multiplicity . . . [of the] unreasonable number of claims in view of the nature and scope of Applicant’s invention and the state of the art. . . .” (See MPEP 2173.05(n)).

Claim 262 is rejected for at least substantially the same reasons as the rejections for claim 139, claim 166, claim 259, & claim 187 based on the “degree of repetition and multiplicity . . . [of the] unreasonable number of claims in view of the nature and scope of Applicant’s invention and the state of the art. . . .” (See MPEP 2173.05(n)).

Claim 263 is rejected for at least substantially the same reasons as the rejections for claim 139, claim 163, claim 166, claim 259, & claim 191 based on the “degree of repetition and multiplicity . . . [of the] unreasonable number of claims in view of the nature and scope of Applicant’s invention and the state of the art. . . .” (See MPEP 2173.05(n)).

Claim 264 is rejected for at least substantially the same reasons as the rejections for claim 139, claim 163, claim 166 & claim 232 based on the “degree of repetition and

Art Unit: 3622

multiplicity . . . [of the] unreasonable number of claims in view of the nature and scope of

Applicant's invention and the state of the art. . . ." (See MPEP 2173.05(n)).

Claim 265 is rejected for at least substantially the same reasons as the rejections for claim 139, claim 163, claim 166, claim 259, & claim 194 based on the "degree of repetition and multiplicity . . . [of the] unreasonable number of claims in view of the nature and scope of Applicant's invention and the state of the art. . . ." (See MPEP 2173.05(n)).

Claim 266 is rejected for at least substantially the same reasons as the rejections for claim 139, claim 163, claim 166, claim 259, claim 196 & claim 197 based on the "degree of repetition and multiplicity . . . [of the] unreasonable number of claims in view of the nature and scope of Applicant's invention and the state of the art. . . ." (See MPEP 2173.05(n)).

Claim 267 is rejected for at least substantially the same reasons as the rejections for claim 259, & claim 249 based on the "degree of repetition and multiplicity . . . [of the] unreasonable number of claims in view of the nature and scope of Applicant's invention and the state of the art. . . ." (See MPEP 2173.05(n)).

Claim 268 is rejected for at least substantially the same reasons as the rejections for claim 235, claim 236, claim 237, claim 238, claim 259, & claim 249 based on the "degree

Art Unit: 3622

of repetition and multiplicity . . . [of the] unreasonable number of claims in view of the nature and scope of Applicant's invention and the state of the art. . . ." (See MPEP 2173.05(n)).

Claim 269 is rejected for at least substantially the same reasons as the rejections for claim 268, claim 259, claim 250, claim 197 & claim 199 based on the "degree of repetition and multiplicity . . . [of the] unreasonable number of claims in view of the nature and scope of Applicant's invention and the state of the art. . . ." (See MPEP 2173.05(n)).

Claim 270 is rejected for at least substantially the same reasons as the rejections for claim 268, claim 260, claim 259 & claim 198 based on the "degree of repetition and multiplicity . . . [of the] unreasonable number of claims in view of the nature and scope of Applicant's invention and the state of the art. . . ." (See MPEP 2173.05(n)).

Claim 271 is rejected for at least substantially the same reasons as the rejections for claim 268, claim 260, claim 259, claim 191, claim 177 & claim 209 based on the "degree of repetition and multiplicity . . . [of the] unreasonable number of claims in view of the nature and scope of Applicant's invention and the state of the art. . . ." (See MPEP 2173.05(n)).

Art Unit: 3622

Claim 272 is rejected for at least substantially the same reasons as the rejections for claim 268, claim 260, claim 259, claim 191, claim 177, claim 209, & claim 186 based on the “degree of repetition and multiplicity . . . [of the] unreasonable number of claims in view of the nature and scope of Applicant’s invention and the state of the art. . . .” (See MPEP 2173.05(n)).

Claim 273 is rejected for at least substantially and implicitly the same reasons as the rejection of claim 272.

Claim 274 is rejected for at least substantially the same reasons as the rejections for claim 259, claim 177 & claim 167 based on the “degree of repetition and multiplicity . . . [of the] unreasonable number of claims in view of the nature and scope of Applicant’s invention and the state of the art. . . .” (See MPEP 2173.05(n)).

Claim 275 is rejected for at least substantially the same reasons as the rejections for claim 259, & claim 176 based on the “degree of repetition and multiplicity . . . [of the] unreasonable number of claims in view of the nature and scope of Applicant’s invention and the state of the art. . . .” (See MPEP 2173.05(n)).

Claim 276 is rejected for at least substantially the same reasons as the rejections for claim 259, claim 180 & claim 176 based on the “degree of repetition and multiplicity . . .

Art Unit: 3622

[of the] unreasonable number of claims in view of the nature and scope of Applicant's invention and the state of the art. . . ." (See MPEP 2173.05(n)).

Claim 277 is rejected for at least substantially the same reasons as the rejections for claim 259 & claim 276 based on the "degree of repetition and multiplicity . . . [of the] unreasonable number of claims in view of the nature and scope of Applicant's invention and the state of the art. . . ." (See MPEP 2173.05(n)).

Claim 278 is rejected for at least substantially the same reasons as claim 256.

Claim 279 is rejected for at least substantially the same reasons as the rejections for claim 278, claim 259 & claim 256 based on the "degree of repetition and multiplicity . . . [of the] unreasonable number of claims in view of the nature and scope of Applicant's invention and the state of the art. . . ." (See MPEP 2173.05(n)).

Claim 280 is rejected for at least substantially the same reasons as claim 279.

Claim 281 is rejected for at least substantially the same reasons as the rejections for claim 278, & claim 263 based on the "degree of repetition and multiplicity . . . [of the] unreasonable number of claims in view of the nature and scope of Applicant's invention and the state of the art. . . ." (See MPEP 2173.05(n)).

Art Unit: 3622

Claim 282 is rejected for at least substantially the same reasons as the rejections for claim 278 based on the “degree of repetition and multiplicity . . . [of the] unreasonable number of claims in view of the nature and scope of Applicant’s invention and the state of the art. . . .” (See MPEP 2173.05(n)).

Claim 282 is rejected for at least substantially the same reasons as the rejections for claim 278 based on the “degree of repetition and multiplicity . . . [of the] unreasonable number of claims in view of the nature and scope of Applicant’s invention and the state of the art. . . .” (See MPEP 2173.05(n)).

Claim 284 is rejected for at least substantially the same reasons as the rejections for claim 278 & claim 280 based on the “degree of repetition and multiplicity . . . [of the] unreasonable number of claims in view of the nature and scope of Applicant’s invention and the state of the art. . . .” (See MPEP 2173.05(n)).

Claim 285 is rejected for at least substantially the same reasons as the rejections for claim 278 & claim 279 based on the “degree of repetition and multiplicity . . . [of the] unreasonable number of claims in view of the nature and scope of Applicant’s invention and the state of the art. . . .” (See MPEP 2173.05(n)).

Art Unit: 3622

Claim 286 is rejected for at least substantially the same reasons as the rejections for claim 283 based on the “degree of repetition and multiplicity . . . [of the] unreasonable number of claims in view of the nature and scope of Applicant’s invention and the state of the art. . . .” (See MPEP 2173.05(n)).

Claim 287 is rejected for at least substantially the same reasons as the rejections for claim 283 based on the “degree of repetition and multiplicity . . . [of the] unreasonable number of claims in view of the nature and scope of Applicant’s invention and the state of the art. . . .” (See MPEP 2173.05(n)).

Claim 288 is rejected for at least substantially the same reasons as the rejections for claim 256 based on the “degree of repetition and multiplicity . . . [of the] unreasonable number of claims in view of the nature and scope of Applicant’s invention and the state of the art. . . .” (See MPEP 2173.05(n)).

Claim 289 is rejected for at least substantially the same reasons as the rejections for claim 288 based on the “degree of repetition and multiplicity . . . [of the] unreasonable number of claims in view of the nature and scope of Applicant’s invention and the state of the art. . . .” (See MPEP 2173.05(n)).

Art Unit: 3622

Claim 290 is rejected for at least substantially the same reasons as the rejections for claim 289 based on the “degree of repetition and multiplicity . . . [of the] unreasonable number of claims in view of the nature and scope of Applicant’s invention and the state of the art. . . .” (See MPEP 2173.05(n)).

Claim 291 is rejected for at least substantially and implicitly the same reasons as the rejections for claim 163, claim 197, claims 201 through 216 based on the “degree of repetition and multiplicity . . . [of the] unreasonable number of claims in view of the nature and scope of Applicant’s invention and the state of the art. . . .” (See MPEP 2173.05(n)).

Claim 292 is rejected for at least substantially the same reasons as the rejections for claim 291 & claim 269 based on the “degree of repetition and multiplicity . . . [of the] unreasonable number of claims in view of the nature and scope of Applicant’s invention and the state of the art. . . .” (See MPEP 2173.05(n)).

Claim 293 is rejected for at least substantially the same reasons as the rejections for claim 291 & claim 269 based on the “degree of repetition and multiplicity . . . [of the] unreasonable number of claims in view of the nature and scope of Applicant’s invention and the state of the art. . . .” (See MPEP 2173.05(n)).

Art Unit: 3622

Claim 294 is rejected for at least substantially the same reasons as the rejections for claim 293 in view of the “degree of repetition and multiplicity . . . [of the] unreasonable number of claims in view of the nature and scope of Applicant’s invention and the state of the art. . . .” (See MPEP 2173.05(n)).

Claim 295 is rejected for at least substantially the same reasons as the rejections for claim 294 & claim 269 in view of the “degree of repetition and multiplicity . . . [of the] unreasonable number of claims in view of the nature and scope of Applicant’s invention and the state of the art. . . .” (See MPEP 2173.05(n)).

As per claim 296, Kepecs shows the method of claim 295.

Kepecs at least at (col. 5, ll. 45-65) implicitly shows: “determining that the user visited an establishment of the retailer.”

Kepecs lacks explicit recital of the step of “determining that the user visited an establishment of the retailer. . . .”; however,

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Kepecs at least at (col. 5, ll. 45-65) implicitly shows: “determining that the user visited an establishment of the retailer. . . .”, and it would have been obvious to modify and interpret the disclosure of Kepecs at least at (col. 5, ll. 45-65) cited above as implicitly showing “determining that the user visited an establishment of the retailer. . . .”, because modification and interpretation of the cited disclosure of Kepecs

Art Unit: 3622

would have provided means to “*direct appropriate discounts or other promotions . . .*

toward the individual consumer, yet the anonymity of the consumer is preserved. . . .”

(see Kepecs (col. 2, ll. 12-18)) based on the motivation to modify Kepecs so as to provide a system that “*is highly resistant to fraud. . . .*” (see Kepecs (col. 2, ll. 18-22)).

Claim 297 is rejected for at least substantially the same reasons as the rejections for claim 296 & claim 2295 in view of the “degree of repetition and multiplicity . . . [of the] unreasonable number of claims in view of the nature and scope of Applicant’s invention and the state of the art. . . .” (See MPEP 2173.05(n)).

As per claim 298, Kepecs shows the method of claim 295.

Kepecs at least at (col. 5, ll. 45-65) implicitly shows: “receiving from the user an amount for a purchase that is not less than a predetermined amount. . . .”

Kepecs lacks explicit recital of the step of “receiving from the user an amount for a purchase that is not less than a predetermined amount. . . .”; however,

Official Notice is taken that both the concepts and the advantages of the statistical analysis elements and limitations such as “receiving from the user an amount for a purchase that is not less than a predetermined amount. . . .” were notoriously well known and expected in the art at the time of the invention, because it would have been obvious at the time the invention was made to a person having ordinary skill in the art that the disclosure of Kepecs at least at (col. 5, ll. 45-65) implicitly shows of “receiving from the

Art Unit: 3622

user an amount for a purchase that is not less than a predetermined amount. . . .”; and it would have been obvious to modify and interpret the disclosure of Kepecs at least at (col. 5, ll. 45-65) cited above as showing of “receiving from the user an amount for a purchase that is not less than a predetermined amount. . . .”, would have provided means to “*direct appropriate discounts or other promotions . . . toward the individual consumer, yet the anonymity of the consumer is preserved. . . .*” (see Kepecs (col. 2, ll. 12-18)) based on the motivation to modify Kepecs so as to provide a system that “*is highly resistant to fraud. . . .*” (see Kepecs (col. 2, ll. 18-22)).

As per claim 299, Kepecs shows the method of claim 295.

Kepecs at least at (col. 4, ll. 25-67; and col. 5, ll. 45-65) shows: “the device of the retailer comprises a point-of-sale terminal.”

Kepecs lacks explicit recital of the step of “the device of the retailer comprises a point-of-sale terminal. . . .”; however,

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Kepecs at least at (col. 4, ll. 25-67; and col. 5, ll. 45-65) implicitly shows: “the device of the retailer comprises a point-of-sale terminal. . . .”, and it would have been obvious to modify and interpret the disclosure of Kepecs at least at (col. 4, ll. 25-67; and col. 5, ll. 45-65) cited above as implicitly showing “the device of the retailer comprises a point-of-sale terminal. . . .”, because modification and interpretation of the cited disclosure of Kepecs would have provided means to “*direct appropriate*

Art Unit: 3622

discounts or other promotions . . . toward the individual consumer, yet the anonymity of the consumer is preserved. . . .” (see Kepecs (col. 2, ll. 12-18)) based on the motivation to modify Kepecs so as to provide a system that *“is highly resistant to fraud. . . .”* (see Kepecs (col. 2, ll. 18-22)).

Claim 300 is rejected for at least substantially the same reasons as the rejection for claim 290 in view of the “degree of repetition and multiplicity . . . [of the] unreasonable number of claims in view of the nature and scope of Applicant’s invention and the state of the art. . . .” (See MPEP 2173.05(n)).

RESPONSE TO ARGUMENTS

8. Applicant’s response (paper filed 9/15/2004) has been fully considered, but is not persuasive for the following reasons:

Applicant’s arguments are moot based on new grounds of rejection.

CONCLUSION

9. Any response to this action should be mailed to:

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Any response to this action may be sent via facsimile to either:

(703)305-7687 (for formal communications EXPEDITED PROCEDURE) or

Art Unit: 3622
(703) 305-7687 (for formal communications marked AFTER-FINAL) or
(703) 746-7240 (for informal communications marked PROPOSED or DRAFT).

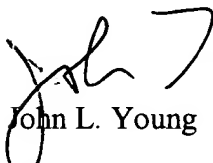
Hand delivered responses may be brought to:

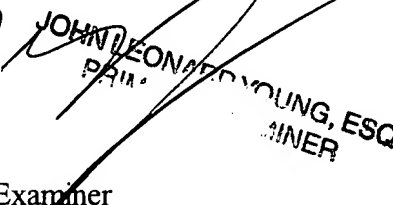
Seventh Floor Receptionist
Crystal Park V
2451 Crystal Drive
Arlington, Virginia.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L. Young who may be reached via telephone at (703) 305-3801. The examiner can normally be reached Monday through Friday between 8:30 A.M. and 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber, may be reached at (703) 305-8469.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.


John L. Young
Primary Patent Examiner


JOHN L. YOUNG, ESQ.
EXAMINER

November 26, 2004